

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PRINTING RESEARCH, INC.,  
HOWARD W. DEMOORE,

Plaintiffs,

v.

WILLIAMSON PRINTING CORP.,  
BILL L. DAVIS, and  
JESSE S. WILLIAMSON,

Defendants.

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CIVIL ACTION NO. 3-99CV1154-M

PLAINTIFFS' EXPERT DESIGNATION AND REPORTS

Plaintiffs, Printing Research, Inc. and Howard W. DeMoore, (collectively "Plaintiffs"), designate the following as experts for this action and herewith submit their reports as Exhibit A and Exhibit B under Rule

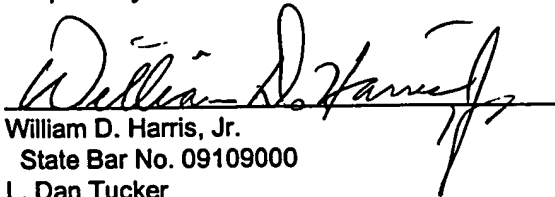
26(a)(2):

Professor W.S. Mott  
2359 Leona Avenue  
San Luis Obispo, CA 93401-5368

Warren B. Kice  
Haynes and Boone, LLP  
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The report of Dr. Mott, who lives in California, was sent by fax. A signed ribbon copy will be tendered for filing when it arrives. It is expected on October 6, 2000.

Respectfully submitted:



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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing "Plaintiffs' Expert Designation and Reports" was served on Defendants' counsel by United States Postal Service Express Mail on October 5, 2000:

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## EXHIBIT A

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## REPORT

My name is William Stephen Mott, my Curriculum Vitae is attached. My printing industry experience extends from 1958 to the present. I was employed in the printing industry for approximately 10 years prior to accepting a position at the University. Currently I am a professor of Graphic Communication at California Polytechnic State University at San Luis Obispo where I have been employed for 32 years specializing in sheet fed offset lithography and the control of its quality. My teaching assignment also includes instruction on papers and inks. I conduct undergraduate classes, provide consulting services to the industry, and teach continuing education seminars to industry personnel.

I have been retained as an expert witness by the law offices of Locke Liddell and Sapp LLP. My compensation is \$150 per hour for research and \$300 per hour for testimony. I am familiar with Printing Research, Inc., but have never been employed by that company. I performed work as a consultant in the case of Printing Research Inc. vs International Paper Co. through the engagement by outside counsel for Printing Research Inc. I have not given testimony in court or by deposition within the past four years.

I have read portions of:

Patents 5,370,976 and 5,630,363 held by Williamson Printing Corporation;  
Specification Accompanying Patent Application of the named Inventors  
Rendleman, DeMoore and Bird filed May 4, 1995;  
Joint Declaration under 37 C.F.R. §1.57(b) of Davis & Williamson of May 20, 1999;  
Joint Declaration under 37 C.F.R. §1.131 of Davis & Williamson of June 30, 2000;  
Supplemental Joint Declaration of Davis & Williamson of May 9, 2000;  
Summary of Interview for July 20, 2000;  
Deposition of Steven Baker of August 9, 2000;  
Deposition of Scott Brown of August 10, 2000;

Deposition of Steve Garner of August 11, 2000;  
Graphic Arts Monthly magazine article of June 1995 "In-Line Coating Spurs  
Sheetfed."

Prior to deposition I intend to review:

Deposition of John Bird, Sept. 12, 2000;  
Deposition of Bill Davis, Sept. 20, 2000; and  
Other depositions that may become available.

I intend to review for the court the basics of printing such as how printing ink is applied to paper and subsequently dries, the differences, advantages and disadvantages of offset lithography and of flexography. I anticipate presenting photographs and diagrams of a multicolor offset lithographic press and of a flexographic printing unit.

The lithographic offset printing process is a planographic rotary process whereby the image and non-image areas on the printing plate are in the same plane and which chemical treatments ensure that ink adheres to some areas and not others. The image is transferred (offset) indirectly from the plate cylinder to a rubber blanket cylinder and finally to the substrate. The plates are thin sheets of aluminum. The inks are viscous polymeric compounds that are applied to the substrate in very thin layers, are generally transparent, and dry over time. Lithographic offset is utilized to print products for industry segments such as corporate annual reports, books, magazines, greeting cards, stationery, invitations, business forms, advertising and promotional items, folding cartons for packaging, and product brochures.

Flexography is a method of direct rotary printing that uses resilient relief image plates of rubber or photopolymer (plastic). The inks are liquids of either solvent or aqueous base which are applied from 50% to 100% greater thickness than lithography and which dry rapidly. This greater film thickness allows for opaque inks to be printed. Flexography is utilized to print products such as plastic shopping bags, aluminum foil for food product wrappers and consumer items, corrugated shipping boxes, gift wrap paper, wall paper, milk and beverage cartons, folding cartons, paper sacks, tags and labels.

Lithoflex™ is the trademark for a combination of two printing processes by which I mean offset lithography and flexography, both performed on one machine. I will

describe the advantages of Lithoflex™ in that only one pass through a press is required to print both processes and only one press is required. In-line processing reduces the time required to manufacture a product therefor realizing cost reductions. Significant investment savings also occur, as fewer machines are required. I will discuss the differences between convertible and dedicated printing stations on a press.

The Rendleman coater is an accessory device mounted on an offset lithographic press for the purpose of adding flexographic printing capabilities to the that press, i.e., Lithoflex™, which is described in the Patent Application of May 4, 1995 mentioned above. I expect to show still photographs of an operating press which has the Rendleman coater installed and operating. I expect to show video of another Rendleman coater on a test stand. The defendant may view these photographs and/or video at a convenient time and place. I expect to show examples of Lithoflex™ products printed using the Rendleman coater.

I expect to testify that Patent '976 does not state which type of printing plate material is to be used nor does it state the printing process to be used. This information would have to be inferred or assumed by those who are degreed and experienced in the printing industry. The '976 has little, if any, bearing or or relation to the '363 patent.

In my opinion, the disclosure in the May 4, 1995 Patent Application by Printing Research Inc., would enable an experienced, educated person in the commercial printing industry to understand the nature of the device, how it is mounted on an offset lithographic press and the manner in which the device is utilized for printing. It would certainly teach the process of printing in-line in a single pass of flexography followed by one or more lithographic steps.

I was asked to consider when and what constituted a sufficient mental formulation by the inventor(s) of a complete idea for a product or process in the present matter. I was to consider that the idea must be of specific means, not just a desirable end or result, that must be sufficiently complete so as to enable anyone of ordinary skill in the art to reduce the concept to practice. In the context of on-line upstream single pass flexographic printing followed by lithographic printing, the ferris wheel coater

(Rendleman coater) mounted upstream in combination with a multi-station press accomplishes this. The summer of 1994 discussions between Howard DeMoore and Ronald Rendleman, followed by the sketches of the winter of 1994, and particularly of December 30, 1994 by Rendleman meet the foregoing requirements.

In a broader sense, the summer disclosure of Mr. DeMoore to Mr. Rendleman by which his thinking or concept was disclosed by his inquiry to Mr. Rendleman of whether he could place a coater interstage discloses the recognition by Mr. DeMoore of the desirability of having a convertible (from lithographic) flexographic step or station upstream of lithographic stations. This convertible concept contrasts with a dedicated flexographic station to provide the upstream flexographic step. When the ferris wheel type coater is used the concept involves the use of a convertible flexo/litho station. I have not yet formulated an opinion as to whether the disclosure involving only generally flexo before litho (single pass) constitutes a sufficiently complete idea to teach one how to practice or perform but I expect to supplement this report if I do. I do believe now that this is a broad idea that may be short of a concrete concept. The addition of a convertible printing station with a Rendleman coater provides a specific means to accomplish the desired result.

Also, I have noted the lack of a specific means in many of the concepts of 1994 testified by affidavit and deposition. I believe the scope of the invention(s) at issue may be ultimately of some importance in determining this matter, but not being a patent lawyer nor an expert on patent law, I cannot speak to ultimate points of law in my opinions.

I am of the opinion that the language and teaching in Patent Application filed May 4, 1995 is quite sufficient to teach one of ordinary skill in the art how to practice the invention ultimately described in the '363 patent. This is based on a review of the May 4, 1995 application and the '363 patent. Moreover, I also believe that the May 4, 1995 application likewise teaches how to practice the concepts developed by DeMoore and Rendleman that are described above in the preceding paragraph.

The drawing dated Dec. 30, 1994 from Printing Research is virtually identical to the mechanism illustrated in the Application of May 4, 1995 and in my opinion is one and

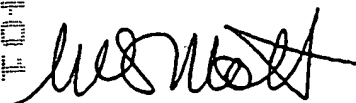
the same. Moreover, it is essentially the same as sketched in Figure 2 of the '363 Patent, and it clearly suggests the Lithoflex™ process.

The simulation of a two color in-line process by instead printing those two colors in two separate passes reveals little of the feasibility of the in-line process, only the desirability, as the dynamics of ink drying and trapping are significantly different between the two methods.

I am not a patent attorney nor am I skilled in the law of patents. I express no views, opinions of what is and what isn't an invention or who is entitled to priority of invention, I speak only to the extent that I am given definitions or tests or hypothesis to consider.

I reserve the right to supplement my opinion as I become aware of additional materials that might make supplementation reasonably necessary.

This testimony will be based upon my observations, expertise, and 40 years experience in the printing industry plus the materials I have reviewed in the case (see above).

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104250  


William Stephen Mott

October 4, 2000

**PARTICIPATION IN PROFESSIONAL ASSOCIATIONS AND ORGANIZATIONS:**

Group Discussion Leader, GAERF Teacher Conference, Philadelphia, 1994

Active Memberships in:

Graphic Arts Technical Foundation, Sewickley, PA.

Research & Engineering Council, White Stone, VA

**PUBLICATIONS, PAPERS PRESENTED:**

Articles:

"Getting Levers Off the Presses," Dealer Communicator, Nov. 1989.

"IR and UV Drying" High Volume Printing, June, 1988

"Your Duplicators 'Can Do' Four Color Printing!" Quick Printing, Sept. 1987

"Where Stands Standardization for Sheetfed?" High Volume Printing,  
Oct. 1987

"Manufacturers as Educators," Graphic Arts Monthly, July, 1986

"Marketing, Italian Style," Graphic Arts Monthly, November, 1984

"The Metric System in Printing," Printing Journal of N. California, 1975

Books:

*Printing Four Color Process on a Duplicator or Small Press.* San Luis Obispo (CA), 1992, Graphic Services+Seminars.

Papers presented:

"Where Stands Standardization for Sheetfed? A Study of the Practices and Attitudes of Sheetfed Commercial Printers in the West." Technical Association of the Graphic Arts (TAGA), March, 1987.

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## CURRICULUM VITAE

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## EDUCATION:

M.A., Education--Specialization in Curriculum and Instruction,  
 California Polytechnic State University, SLO, 1973  
 B.S., Printing Engineering, California State Polytechnic College, SLO, 1959

## PROFESSIONAL EXPERIENCE:

Professor, Graphic Communication Department, 1982 to present, specializing in sheet fed offset lithography and its quality control, papers and inks  
 Acting Department Head, Graphic Communication, 1989-90  
 Associate Professor, Graphic Comm. Dept., 1977-1982  
 Assistant Professor, Graphic Comm. Dept., 1972-1977

## RELATED PROFESSIONAL EXPERIENCE:

Expert witness in six actions, 1993 to 1999  
 Consultant to more than 25 clients in printing industry, 1974 to present  
 Education Consultant, Heidelberg West, Inc., 1985-86  
 Equipment Technician II, Graphic Comm. Dept., 1968-1972  
 Supervising Press operator, Comm. Printers Co., Tucson, 1963-1968

## APPLIED RESEARCH PROJECTS:

New Product Development, Hurst Corp., 1999  
 New Product Testing, Boise Cascade Corp., 1999  
 Print Quality--Color Inks, Base-Line Co., 1997  
 Print Quality--Black Ink, Base-line Co., 1997  
 Plate Print Quality Testing, Base-Line Co., 1996

## CONSULTING ACTIVITIES:

Blake Printery, San Luis Obispo, 1995, Color Control with Spectrophotometers  
 DowBrands, Inc., Indianapolis, 1991, Printing Specifications  
 Potlatch Corp., Idaho, 1991, Print Quality Analysis  
 United Nations, Intl. Trade Center, Export Promotion Project for S.E. Asia, Bangkok, 1990  
 Heidelberg West, Inc., San Francisco, 1990, Air Quality Measurements  
 Sun Chemical Corp. (GPI), San Luis Obispo, February 1990, Process Color  
 Calif. State Employees Assn., San Jose, March 1989, Process Color Printing  
 Weyerhaeuser Company, 1989, Flexography Printability Testing  
 Printing Impressions Company, Santa Barbara, 1988, Equipment Acquisition  
 Gaylord Corp., 1987, Flexographic Printability Testing  
 Weyerhaeuser Company, 1987, Lithographic Printability Testing  
 Mervyn's, Hayward, Calif., 1986, Process Color Printing  
 Speedway Copy Systems, San Francisco, 1986, Process Color Printing  
 Heidelberg West, Inc., San Francisco, 1985-6, training curricula & techniques  
 U.S. Penitentiary, Lompoc, CA, rehabilitation printing technology, 1984-85  
 Thirteen other firms. Consultant services provided in areas of equipment acquisitions, modifications and repairs, operational techniques, employee training 1974-83

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